

COMMITTEE:  
**ENERGY AND COMMERCE**

SUBCOMMITTEES:  
TELECOMMUNICATIONS  
ENERGY AND AIR QUALITY  
HEALTH

CONGRESSIONAL WIRELESS  
CAUCUS CO-CHAIR  
ASSISTANT WHIP

**CHIP PICKERING**  
THIRD DISTRICT, MISSISSIPPI

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2403**

COMMITTEE:  
**AGRICULTURE**

SUBCOMMITTEES:  
GENERAL FARM COMMODITIES AND RISK  
MANAGEMENT  
LIVESTOCK AND HORTICULTURE

229 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5031  
FAX: (202) 225-5797

November 21, 2003

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

RE: EB-03-IH-0110

Dear Chairman Powell:

I am deeply concerned over an order released by the Federal Communications Commission's ("FCC" or the "Commission") Enforcement Bureau on October 3, 2003, in response to numerous complaints regarding the broadcast of program material that contained language that is utterly profane and indecent as measured by any standard. The complaints arose from the broadcast by numerous licensees of the "Golden Globe Awards" program on January 19, 2003, whereby an individual used the "f-word" during the ceremony. After reviewing the formal complaints filed with the Commission, the FCC's Enforcement Bureau issued an order denying these complaints, holding that the use of this particular word, when considered in the context in which it was used, did not violate the statute or the FCC's regulations.

I am outraged and extremely disappointed with this latest salvo in a long string of decisions by the FCC that establishes a deeply disturbing precedent regarding the use of universally-recognized vulgar expletives on our nation's public airwaves. As a father of five, I am wary of enjoying an evening before the television with my children or of listening to the radio in the car with my kids for fear of being inundated with indecent or profane language. This latest decision opens the floodgates for an unrelenting stream of such language, so long as it does not describe "sexual or excretory organs or activities." Such reasoning is absurd and is not what was intended by Congress and cannot be what Americans expect when watching television or listening to the radio. No ordinary American stops to consider how the "f-word" is used – whether as an exclamatory adjective, a derogatory insult, or a sexually explicit verb – before deciding whether it is indecent or profane to his or her own self or family. It is time for the FCC to follow this model and apply simple, ordinary common sense to such situations in the interest of the American public.

Congress has set forth statutory guidance by which the FCC is required to follow. Section 1464 of Title of 18 of the United States Code prohibits the utterance of "any obscene, indecent or profane language by means of radio communication." 18 U.S.C. 1464 (2003). The FCC has promulgated regulations pursuant to this statute that prevents radio and television stations from broadcasting obscene material at any time, while prohibiting the broadcasting of indecent material from 6 a.m. to 10 p.m. *See* 47 C.F.R.

110-D AIRPORT ROAD  
PEARL, MS 39208  
(601) 932-2410  
FAX: (601) 965-4598

823 22ND AVENUE  
MERIDIAN, MS 39301  
(601) 693-6681  
FAX: (601) 693-1801

1 RESEARCH BOULEVARD, SUITE 201  
STARKVILLE, MS 39759  
(662) 324-0007  
FAX: (662) 324-0033

230 SOUTH WHITWORTH STREET  
BROOKHAVEN, MS 39601  
(601) 823-3400  
FAX: (601) 823-5514

308 FRANKLIN STREET  
NATCHEZ, MS 39120  
(601) 442-2515  
FAX: (601) 442-3211

COMMITTEE:  
ENERGY AND COMMERCE

SUBCOMMITTEES:  
TELECOMMUNICATIONS  
ENERGY AND AIR QUALITY  
HEALTH

CONGRESSIONAL WIRELESS  
CAUCUS CO-CHAIR  
ASSISTANT WHIP

CHIP PICKERING  
THIRD DISTRICT, MISSISSIPPI

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2403

COMMITTEE:  
AGRICULTURE  
SUBCOMMITTEES:  
GENERAL FARM COMMODITIES AND RISK  
MANAGEMENT  
LIVESTOCK AND HORTICULTURE

229 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5031  
FAX: (202) 225-5797

73.3999 (2003). Under its enforcement authority, the FCC may issue warnings, impose monetary forfeitures, or even revoke station licenses in order to punish entities for non-compliance. I have learned, however, that the FCC has failed, and continues to fail, to use these resourceful tools to their fullest potential. While Notices of Apparent Liability have been assessed in relatively small amounts against a few violators, fines have rarely been collected, if collected at all, and no station license has ever been revoked. Such wanton abrogation of the Commission's duties will not be tolerated by the American people and their representatives.

In light of the fact that an Application for Review of the order is pending before the full Commission, I felt that I must express my disapproval of the Enforcement Bureau's action, as it is the latest extreme and upsetting example of the further coarsening of our culture without regard to the standards of local communities and an overwhelming majority of the American public. I therefore call upon the FCC to set an example with the present case by reversing the Enforcement Bureau's decision and diligently enforcing the statutory mandate which Congress has set forth addressing obscenity, indecency and profanity on our public airwaves.

Sincerely,



Chip Pickering

CP:mh

cc: Chairman Michael K. Powell  
Commissioner Kathleen Q. Abernathy  
Commissioner Kevin J. Martin  
Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Parties of Record

*I strongly believe  
the Bureau's decision  
is wrong & sends the  
wrong message.*